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COMPREHENSIVE PUBLIC SMOKING PROGRAM

LEGISLATIVE STRATEGIES

STATE ACTIVITIES DIVISION
JUNE 7, 1988

Presented to Exec Comtee 6/17
Next mtg 8/18

TI DN 0008353

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INDEX

	<u>Page</u>
LOBBYING AND SUPPORT OPERATION (repeal, modify and roll back legislation)	1
VENTILATION LEGISLATION	6
SMOKERS' RIGHTS LEGISLATION	9
CUMULATIVE TARGET LIST .	13
PROPOSED BUDGET .	14

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LOBBYING AND SUPPORT OPERATION

(repeal, modify, and roll back
existing legislation)

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LOBBYING AND SUPPORT OPERATION

POTENTIAL TARGET LOCATIONS
for repeal, modification or roll back
of existing smoking restriction legislation

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A. CURRENT EFFORTS (1988)

Connecticut	--	roll back smoking ban on MTA
Aurora, CO	--	repeal workplace provisions
New York City, NY	--	repeal health "warning" requirement on signage
Owensboro, KY	--	repeal city-wide restrictions

B. PRIMARY TARGETS (1988-89)

Anchorage, AK	--	roll back smoking ban in city buildings
New Jersey/New York	--	roll back smoking ban on MTA
Massachusetts localities	--	repeal local restaurant ordinances more stringent than 1987 state law

C. OTHER POSSIBLE TARGETS (1988-89)

Vermont	--	modify state law to reduce number of employees necessary to agree to allow smoking (from 3/4 to simple majority)
Appleton, WI	--	roll back smoking ban in city buildings
Aspen, CO	--	modify severe restaurant restrictions
Chautauqua County, NY	--	roll back PHC-type restrictions
Des Moines, IA	--	roll back smoking ban in city buildings
Erie, PA	--	modify smoking restrictions in city law

Fort Worth, TX	--	roll back penalty provision; modify restriction law
Maricopa County, AZ	--	roll back penalty provision
Pittsburgh, PA	--	roll back penalty provision; modify enforcement section
Palo Alto, CA	--	repeal outdoor restaurant restrictions

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BACKGROUND INFORMATION

Connecticut

STRATEGY

To build public and legislative sentiment against the MTA to the point where the following legislation is enacted into Connecticut law:

"...(O)n every train, with five or more cars, operating in service by the Metro-North Corporation between New Haven and Greenwich, including any train on a branch line, there shall be one designated smoking car."

HISTORY/STATUS

The industry was nearly successful in 1988 in enacting legislation to permit a smoking car on the MTA trains. However, the legislative clock ran out before the measure could receive final passage. Efforts since the close of the session have centered on placing pressure on the MTA and building a framework for reintroduction of the legislation in 1989. Success next year depends in large part on portraying the issue as one of state's rights and fairness to both smokers and nonsmokers.

LEGISLATIVE/LEGISLATIVE SUPPORT ACTIVITIES

- o Call on the governor to force MTA action through administrative means
 - ... support this activity through commuter letters, lobbyist contact, legal analysis
- o Continue pressure/public education through Commuters for Fair Treatment (CFT)
 - ... op-ed pieces by the bill's sponsor (Rep. Chase) and CFT
 - ... station leafletting through CFT
 - ... issue information through member company publications
 - ... use of member company and Institute mailing lists
- o Additional constituent contact efforts
 - ... letters to editors, governor, legislators, MTA board members
- o prefile MTA legislation for 1989

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REPEAL...MODIFY...ROLL BACK

BACKGROUND INFORMATION

Anchorage, AK

STRATEGY

Modify the existing ordinance to allow for designated smoking areas in city-owned or leased buildings and prohibit job discrimination against smokers.

HISTORY/STATUS

With the support of then-mayor Tony Knowles and the city's health director, the Anchorage Assembly adopted an ordinance banning smoking in all municipally-owned or leased buildings. Union officials lost a grievance on this issue against the city on procedural grounds. Mayor Knowles did not seek re-election; the health director resigned to become executive director of the Alaska Lung Association.

The current mayor, Tom Fink, is a smoker who favors weakening modifications to the existing ordinance, including prohibiting job discrimination against smokers. The city attorney and others within the administration also are sympathetic to the notion of modification.

Since 50 percent of the state's population is in the Anchorage area, the modification would also serve to thwart further state smoking restriction activity.

LEGISLATIVE/LEGISLATIVE SUPPORT ACTIVITIES

- o Through existing local counsel, coordinate efforts closely with the mayor, city attorney and appropriate Assembly allies
 - ... supply city attorney with modification language
- o Obtain union commitment to lead efforts for modification
 - ... seek mayor's permission, via an official union request, for an ACVA study of a municipal office building
 - ... conduct media tours/ad campaigns to emphasize the sick building syndrome
 - ... through Labor Management Committee education, rally union support by pushing for introduction of ventilation standards in city-owned buildings (rationale based on clean air and union jobs associated with retrofitting and new ventilation equipment installation)
- o Activate local vendors, retailers and wholesalers for legislative support activities
- o Enlist the aid of member companies with letter-writing campaigns to targeted lawmakers and the media

- 4 -

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BACKGROUND INFORMATION

Massachusetts Localities

STRATEGY

Force anti-tobacco groups to defend gains made at the local level in the form of local restaurant restriction laws. Where possible, attempt to roll back local restaurant ordinances which are more stringent than the 1987 state restaurant restriction law, replacing them with measures patterned after the state law.

HISTORY/STATUS

Since the mid-1970's, approximately 50 of the Commonwealth's 351 communities have adopted restaurant restrictions. Generally, the local ordinances are more restrictive than the state law which requires restaurants with a capacity of 75 or more to set aside separate sections.

With local restriction introductions of all types at a 10-year low, the time is right for an aggressive effort to make anti-tobacco forces defend previous gains through a systematic plan to roll back restaurant restrictions in key localities.

LEGISLATIVE/LEGISLATIVE SUPPORT ACTIVITIES

- o Direction of legislative plans to be handled by existing local counsel, but managed locally by restaurant allies
- o Preparation
 - ... obtain support from local restaurant leaders and chambers of commerce
 - ... prepare draft substitute ordinances for use by restaurant allies
 - ... develop arguments and support materials for use by allies/legislative counsel, i.e., letters from restaurant coalitions to lawmakers, flyers for town meetings, op-ed pieces, letters-to-the-editor, advertising as appropriate
- o Implementation
 - ... identify sponsors for legislation
 - ... use of petitions to lawmakers
 - ... testimony by restaurateurs, prominent citizens, and other allies
 - ... ensure that local restaurateurs continue a good faith effort to accommodate all patrons

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VENTILATION LEGISLATION

TI DN 0008361

VENTILATION LEGISLATION

POTENTIAL TARGET LOCATIONS
for introduction and enactment
of broad IAQ legislation requiring
compliance with ventilation standards

A. CURRENT EFFORTS (1988)

- | | | |
|-------------------|----|---|
| New Hampshire | -- | expand new IAQ state law to all workplaces |
| Beverly Hills, CA | -- | ventilation requirements in place of smoking ban in restaurants |

B. PRIMARY TARGET (1988-89)

- | | | |
|------------|----|--|
| Washington | -- | ventilation legislation for state office buildings |
|------------|----|--|

C. OTHER POSSIBLE TARGETS (1988-89)

- | | | |
|------------------|----|---|
| Connecticut | -- | participate on IAQ Commission |
| Kansas | -- | state legislative office building IAQ study |
| Maryland | -- | participate on IAQ Commission |
| Nevada | -- | state legislative office building IAQ study |
| New Jersey | -- | ventilation legislation in restaurants |
| Wisconsin | -- | ventilation legislation statewide |
| Philadelphia, PA | -- | ventilation legislation |
| Pittsburgh, PA | -- | IAQ survey; ventilation legislation |
| Tempe, AZ | -- | substitute ventilation requirements for current city restrictions |

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VENTILATION LEGISLATION

BACKGROUND INFORMATION

Washington State

STRATEGY

Enact ventilation/indoor air quality legislation for state-owned and leased buildings which precludes further smoking restriction laws.

HISTORY/STATUS

An indoor air quality amendment was used successfully in the state legislature during 1988 to defeat the hospital smoking ban portion of the perennial push for severe smoking restrictions in public and private workplaces, schools and health-care facilities.

The amendment, requiring all hospitals to meet the revised draft ASHRAE ventilation standards, captured the interest of the legislature, staff, media, and hospital and medical association lobbyists. The hospital association perceives such standards as extremely expensive and will request that hospitals not be included in smoking restriction legislation next year.

LEGISLATIVE/LEGISLATIVE SUPPORT ACTIVITIES

- o Coordinate legislative efforts through existing counsel
- o Encourage the union community to take the lead
 - ... contract with a state labor consultant to coordinate labor's efforts and to work with lawmakers responsive to labor positions
 - ... continue ongoing efforts through the Labor Management Committee, i.e., brief the State AFL-CIO convention this summer on the importance of the sick building syndrome to the health of its workers and the possibility of union jobs for union contractors to meet new ventilation requirements
 - ... continue work to ensure that the state general services administration follows through on the legislature's directive to conduct an ACVA inspection of the state Capitol and one other state building
 - ... through a local public relations firm, enhance media/public interest in the results of the ACVA building studies and the general concept of indoor air quality and sick buildings
- o Enlist the support of all tobacco companies and organizations for communications activities
- o Work with the Association of Washington Business to allay fears of costly ventilation standards to private business

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VENTILATION LEGISLATION

BACKGROUND INFORMATION

New Hampshire

STRATEGY

Expand existing ventilation/indoor air quality law to all workplaces. Use this legislative device to modify current smoking restriction legislation.

HISTORY/STATUS

During the 1988 legislative session, the Institute assisted efforts of the Service Employee International Union (SEIU) to enact indoor air quality legislation in New Hampshire. The IAQ legislation also received support from the state AFL-CIO, the blanket organization for virtually all labor.

The new law requires indoor air quality standards for state government buildings. Public and legislative awareness of the sick building syndrome was increased through work on the 1988 IAQ legislation. In 1989, it may be possible to take the next step and expand IAQ legislation to other worksites and, at the same time, to modify the current smoking restriction law.

LEGISLATIVE/LEGISLATIVE SUPPORT ACTIVITIES

- o Under the direction of the regional vice president, continue and expand labor contacts through our labor consultant. Continue direct legislative lobby efforts through state legislative counsel, using labor consultant contacts with appropriate lawmakers.
 - ... develop appropriate indoor air quality legislative language
 - ... to defray potential business opposition to IAQ legislation, allow a suitable amount of time for implementation and offer tax credits to businesses meeting air quality standards
- o Attempt to have ACVA building inspection to illustrate indoor air quality concerns.
 - ... through a local public relations firm, enhance media and public interest in the results of the study and the general concept of clean indoor air
 - ... brief business leaders on the ACVA results and general issue, assuring them costs can be minimal
- o Enlist the support of tobacco interests for communications activities, including the use of appropriate mailing lists.

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SMOKERS' RIGHTS LEGISLATION

TI DN 0008365

SMOKERS' RIGHTS LEGISLATION

POTENTIAL TARGET LOCATIONS
for introduction and enactment
of laws to prevent employment
discrimination of smokers and
to provide equal protection of
smokers and nonsmokers

A. CURRENT EFFORTS (1988)

Allentown, PA	--	repeal off-the-job smoking ban by policemen and firefighters
New York	--	guarantee smokers' rights; non-retaliation provision; collective bargaining requirement
Pennsylvania	--	guarantee smokers' rights; non-retaliation provision; collective bargaining requirement
National Association of Counties (NACo)	--	equal protection of smokers

done

B. PRIMARY TARGET (1988-89)

North Carolina	--	forbid hiring discrimination of smokers in state law
----------------	----	---

C. OTHER POSSIBLE TARGETS (1988-89)

Kentucky	--	non-discrimination in hiring
Maryland	--	non-discrimination in hiring
Minnesota	--	equal protection of smokers; collective bargaining requirement
Missouri	--	non-discrimination in hiring
Nebraska	--	non-discrimination in hiring
Duluth, MN	--	repeal hiring discrimination and smoking ban on firefighters
Richmond, VA	--	non-discrimination in hiring
Sioux Falls, SD	--	repeal hiring discrimination of firefighters

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D.

SITES FOR "PRO-ACTIVE" EFFORTS WHERE
IT MAY BE DIFFICULT TO PREVENT
PASSAGE OF SMOKING RESTRICTION
LEGISLATION IN 1988/89

WORK TO PROTECT SMOKERS' RIGHTS,
MAXIMIZE LOCATIONS PERMITTING SMOKING,
INCLUDE VENTILATION LANGUAGE, AND
PRE-EMPT LOCAL SMOKING RESTRICTIONS

Colorado	Nevada
Illinois	South Dakota
Louisiana	Texas
Missouri	Washington

→ All subject to specific approval
by SAPC.
Immediacy is key.

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SMOKERS' RIGHTS

BACKGROUND INFORMATION

North Carolina

STRATEGY

Enact into law a measure which expressly forbids hiring discrimination against smokers and which recognizes the rights of both smokers and nonsmokers.

HISTORY/STATUS

During the 1980s, several governmental bodies and private industries have mandated bans on the hiring of smokers. Additionally, some local and state laws place all applicable "rights" in the hands of nonsmokers, leaving smokers without recourse.

During the 1989 North Carolina legislative session, it may be possible to enact the first state law which protects the rights of smokers. Such a law would be a first step in establishing "smokers' rights" in the eyes of the courts.

LEGISLATIVE/LEGISLATIVE SUPPORT ACTIVITIES

- o During the remainder of 1988, regional staff and state legislative counsel will take the lead in encouraging allied groups to press for such legislation with key lawmakers.

... Allied groups may include TAUS, the NC Farm Bureau, NC Grange, the National Tobacco Council, member companies, key suppliers, warehouse operators, port authority allies, the Commissioner of Agriculture, prominent farmers, leaders from the banking community, and others with an economic stake in tobacco
- o As the process moves ahead, legislative counsel will identify potential House and Senate leaders as sponsors of the legislation and discuss with them appropriate draft language and committee assignments and timetables for action.
- o It may become necessary to add additional counsel to ensure proper work with all leadership.
- o A state public relations firm will be identified to increase awareness of the economic importance of tobacco and smokers to the general public, i.e., talk show/radio appearances for allies, exposure of "horror stories" where smokers have been denied jobs or promotions because of their use of tobacco on the job around the country.
- o When appropriate, initiate a mail campaign to lawmakers and the media urging adoption of the legislation. Op-ed pieces by state leaders and other public relations campaigns would also be undertaken.

SMOKERS' RIGHTS

BACKGROUND INFORMATION

National Association of Counties (NACo)

STRATEGY

Ensure equal protection of smokers in NACo tobacco resolution.

HISTORY/STATUS

Consideration of an anti-tobacco resolution at the NACo annual meeting in 1987 was deferred due to industry efforts. NACo formed a special task force to review tobacco issues and to make recommendations to the 1988 convention.

Presentations on many industry issues were given by industry and anti-tobacco representatives to the task force during a two-day hearing in May, 1988. A resolution was drafted by the task force for consideration by the NACo committees and membership at the August annual meeting.

Language in the current draft resolution includes:

"...counties...a duty as employers, in cooperation with employees and/or their representatives, to formulate workplace policies for their county workforce.... Policies which may be formulated should be within a framework which recognizes the rights of nonsmokers and smokers...."

LEGISLATIVE/LEGISLATIVE SUPPORT ACTIVITIES

- o Inform state and local counsel of situation and urge contact with county officials
- o Consider retaining consultant (former NACo director) for assistance at annual meeting
- o Contact key NACo leadership and members
- o Participate in installation activities of new NACo president
- o Coordinate efforts with TGIC and tobacco groups from southeastern states; expand effort to other agricultural organizations around the country where practical
- o Continued liaison with various groups such as vendors, outdoor advertisers and labor unions; begin contact/communication program with local officials
- o Contact state associations of county officials deemed friendly to the industry
- o Prepare expert witnesses to attend annual meeting

- 12 -

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CUMULATIVE TARGET LIST

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CUMULATIVE LIST OF CURRENT
AND POTENTIAL TARGETS

	<u>Repeal, modify, roll back</u>	<u>Ventilation</u>	<u>Smokers' Rights</u>
<u>Current efforts</u> <i>done</i>	CT MTA Aurora, CO New York City, NY <i>done</i> - Owensboro, KY	New Hampshire Beverly Hills, CA <i>done</i>	Allentown, PA - <i>done</i> New York Pennsylvania NACo
<u>Primary targets</u>	Anchorage, AK NJ/NY MTA MA localities (10)	Washington	North Carolina
<u>Other possible targets</u>	Vermont Appleton, WI Aspen, CO Chautauqua Co., NY Des Moines, IA Erie, PA Fort Worth, TX Maricopa Co., AZ Pittsburgh, PA Palo Alto, CA	Connecticut Kansas Maryland Nevada New Jersey Wisconsin Philadelphia, PA Pittsburgh, PA Tempe, AZ	Kentucky Maryland Minnesota Missouri Nebraska Duluth, MN Richmond, VA Sioux Falls, SD

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Colorado
Illinois
Louisiana
Missouri
Nevada
South Dakota
Texas
Washington

<u>Totals</u>	4 states 24 localities	8 states 4 localities	17 states 4 localities
	21 states 31 localities		

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PROPOSED BUDGET

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PROPOSED BUDGET

Comprehensive Public Smoking Program

State Activities Division

To implement the legislative programs outlined within the Comprehensive Plan, the Division will require supplemental resources. The figures below represent those additional needs for the remainder of 1988 and as estimated for 1989. They do not reflect current resources utilized to deal with our ongoing legislative responsibilities for the rest of 1988 or for 1989.

	<u>1988</u> <u>Supplemental</u> <u>(\$ in 000s)</u>	<u>1989</u> <u>Supplemental</u> <u>(\$ in 000s)</u>
<u>Professional Fees</u>		
State legislative counsel		
4 @ \$10,000 (4 months)	40	--
10 @ \$30,000		300
Local legislative counsel		
8 @ \$5,000 (4 months)	40	--
20 @ \$15,000	--	300
	<u>80</u>	<u>600</u>
<u>TOTAL COUNSEL SUPPLEMENTAL</u>	<u>80</u>	<u>600</u>
<u>Political Contributions</u>		
1988 Additional (6 months)	100	--
1989 Estimated	--	300
	<u>100</u>	<u>300</u>
<u>TOTAL CONTRIBUTION SUPPLEMENTAL</u>	<u>100</u>	<u>300</u>
<u>Honoraria</u>		
1988 Additional (6 months)	10	--
1989 Estimated	--	45
	<u>10</u>	<u>45</u>
<u>TOTAL HONORARIA SUPPLEMENTAL</u>	<u>10</u>	<u>45</u>

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	<u>1988</u> <u>Supplemental</u> <u>(\$ in 000s)</u>	<u>1989</u> <u>Supplemental</u> <u>(\$ in 000s)</u>
<u>Legislative Reporting</u>		
1988 Additional (6 months)	30	--
1989 Estimated	--	70
	---	---
<u>TOTAL REPORTING SUPPLEMENTAL</u>	<u>30</u>	<u>70</u>

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Support to Public Issues
Organizations

1988 Additional (6 months)	25	--
1989 Estimated	--	100
	---	---
<u>TOTAL SUPPORT SUPPLEMENTAL</u>	<u>25</u>	<u>100</u>

Legislative Support
(phone banks, action alert mobilization mailings, other constituent communications activities, special projects)

1988 Additional (6 months)	200	--
1989 Estimated	--	600
	---	---
<u>TOTAL LEGISLATIVE SUPPORT SUPPLEMENTAL</u>	<u>200</u>	<u>600</u>

<u>TOTAL STATE ACTIVITIES SUPPLEMENTAL (PROPOSED)</u>	<u>445</u>	<u>1,715</u>
	---	-----